United Nations A/AC.109/2008/14

General Assembly

Distr.: General
14 March 2008

Original: English

**Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

# Western Sahara

## Working paper prepared by the Secretariat

Contents


| | | Paragraphs | Page |
|---|---|---|---|
| I. | Report and good offices of the Secretary-General | 1–23 | 2 |
| II. | Consideration by the Security Council | 24–27 | 6 |
| III. | Consideration by the General Assembly | 28–36 | 8 |


08-27327 (E) 070408

# I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 61/125, the Secretary-General submitted to the Assembly at its sixty-second session a report on the question of Western Sahara (A/62/128). The report covered the period from 1 July 2006 to 30 June 2007 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, the Secretary-General submitted to the Security Council two reports on the situation concerning Western Sahara (S/2007/202 and S/2007/619) pursuant to Security Council resolutions 1720 (2006) and 1754 (2007), as well as two reports on the status and progress of the negotiations on Western Sahara (S/2007/385 and S/2008/45), pursuant to Security Council resolutions 1754 (2007) and 1783 (2007).

3. On 13 April 2007, the Secretary-General submitted to the Security Council the report (S/2007/202) the Council had requested in its resolution 1720 (2006), in which he informed the Council that on 10 April he had received a letter from the Representative of the Frente Polisario in New York, transmitting a "Proposal of the Frente Polisario for a mutually acceptable political solution that provides for the self-determination of the people of Western Sahara"; and that on 11 April, he had met with the Permanent Representative of Morocco to the United Nations, who had given him a letter, dated 10 April 2007, transmitting a document entitled "Moroccan initiative for negotiating an autonomy statute for the Sahara region", containing the initiative by King Mohamed VI of Morocco regarding the autonomy proposal.

4. Reporting on the activities of his Personal Envoy, Peter van Walsum, the Secretary-General said that he had held consultations with the representatives of the two parties, Morocco and the Frente Polisario, as well as with the representatives of the neighbouring countries Algeria and Mauritania. Subsequent to those consultations, the Personal Envoy had informed the Secretary-General that the question remained at an impasse owing to a lack of agreement on how to enable the people of Western Sahara to exercise their right to self-determination. During those consultations, the Personal Envoy of the Secretary-General had underlined, once again, that the negotiations between Morocco and the Frente Polisario, recommended in the report of the Secretary-General of 16 October 2006 (S/2006/817), would have the objective of achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

5. Concluding the report, the Secretary-General reiterated his recommendation that the Security Council call upon the parties, Morocco and the Frente Polisario, to enter into negotiations without preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. The neighbouring countries, Algeria and Mauritania, should also be invited to the negotiations and be consulted separately on issues directly affecting them, in accordance with the format that had been observed during the tenure of his previous Personal Envoy, James A. Baker, III.

6. On 30 April 2007, the Security Council, having considered the report of the Secretary-General, adopted resolution 1754 (2007), inter alia, calling upon the parties to enter into negotiations without preconditions in good faith with a view to

achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. The Council requested the Secretary-General to set up those negotiations under his auspices, inviting Member States to lend appropriate assistance to such talks, and requested the Secretary-General to provide a report by 30 June 2007 on the status and progress of the negotiations.

7. On 29 June 2007, the Secretary-General submitted his report (S/2007/385) which the Security Council had requested in its resolution 1754 (2007), and informed the Council that in a letter dated 25 May 2007, he had invited the parties to send delegations to meet with his Personal Envoy at the Greentree Estate in Manhasset, New York, on 18 and 19 June 2007. In similar letters, he had also invited Algeria and Mauritania to attend the Manhasset meeting as neighbouring countries. The Secretary-General further informed the Council that the meeting had taken place as planned. The parties had held separate meetings with his Personal Envoy, as well as two sessions of face-to-face discussions, for the first time since direct talks had been held in London and Berlin, in 2000. Representatives of the neighbouring countries, Algeria and Mauritania, were present at the opening and closing sessions and were consulted separately during the two-day meeting. During the discussions, the parties had reiterated their commitment to the process and had appeared determined not to be the cause of a breakdown of the negotiations. Although they had both confirmed their respect for the principle of self-determination and accepted resolution 1754 (2007) as the mandate for the negotiations, their positions had remained far apart on the definition of self-determination.

8. During the meeting, the parties had agreed to the communiqué of the Secretary-General's Personal Envoy (ibid., annex). It stated, inter alia, that negotiations had started as requested by the Security Council in its resolution 1754 (2007), and that the parties had agreed that the process of negotiations would continue in Manhasset in the second week of August 2007.

9. A second report on the situation concerning Western Sahara dated 19 October 2007 (S/2007/619) was submitted to the Security Council, pursuant to resolution 1754 (2007). In that report the Secretary-General informed the Council that, as planned, the parties had participated in a second meeting at the Greentree Estate on 10 and 11 August 2007. Algeria and Mauritania also attended, as neighbouring countries. Although the parties, in their opening statements, had confirmed their respect for the principle of self-determination and accepted resolution 1754 (2007) as the mandate for the negotiations, their positions remained far apart on the definition of self-determination.

10. The meeting had included an exchange of views with regard to the implementation of Security Council resolution 1754 (2007), presentations by United Nations experts, and discussions on subjects related to natural resources and local administration. The parties also held separate meetings with the Personal Envoy. At the initiative of the Personal Envoy, the parties had been invited to consider a possible expansion of the existing confidence-building measures. In reply to this initiative, the delegation of the Frente Polisario had indicated that it was satisfied with the confidence-building measures currently being implemented and remained open to the formulation of additional measures, subject to internal consultations. The delegation of Morocco had said that the subject of confidence-building

measures was discussed within the framework of the Office of the United Nations High Commissioner for Refugees (UNHCR), which constituted and should remain the appropriate forum for assessing and proposing such measures, and that for the consideration of possible proposals for confidence-building measures that would be beyond the scope of that forum, another appropriate forum should be found.

11. During the meeting, the parties agreed to the communiqué of the Secretary-General's Personal Envoy (ibid, annex I) in which they acknowledged that the current status quo was unacceptable and that they were committed to continuing the negotiations in good faith.

12. Assessing the process, the Secretary-General's Personal Envoy expressed the view that, although the second meeting had again been characterized by a good atmosphere and courteous behaviour, it also manifested the existing rigid positions. Therefore, while the fact that two meetings had taken place was a cause for satisfaction, it could not really be maintained that the parties had entered into negotiations aimed at a mutually acceptable solution. Commenting on the elements of the second meeting that were not directly related to the proposals of the two parties, the Personal Envoy said that, during the discussions on natural resources and local administration, it had been generally realized that those technical issues could not take the place of the substantial negotiations that resolution 1754 (2007) had called for. As for the agenda item relating to confidence-building measures, the Personal Envoy intended to raise the matter again during the next round.

13. The Personal Envoy stated that it was clear that the negotiation process pursuant to resolution 1754 (2007) could not be completely filled with discussions that did not touch on the proposals of the parties. It was also clear that the parties would not start negotiating without some further guidance from the Security Council. The Council could clarify that attendance at each round of the negotiation process was not equivalent to entering into negotiations. Paragraph 2 of resolution 1754 (2007) contained elements that could be separated. A political solution that did justice to all those elements would inevitably be of great complexity and would need to be negotiated with perseverance. To that end, the Secretary-General's Personal Envoy had reminded the parties of the principle that "nothing is agreed until everything is agreed". He was convinced that acceptance of that principle by the parties could be the key to the beginning of genuine negotiations, as it would encourage them to discuss proposals with elements that were unacceptable to them.

14. As for military matters, the Secretary-General informed the Security Council that the overall situation in the area of responsibility remained generally calm. Violations of military agreement No. 1 by both parties remained at approximately the same level as in the previous reporting period. From 1 April to 30 September 2007, the United Nations Mission for the Referendum in Western Sahara (MINURSO) had observed and recorded 11 new violations by the Royal Moroccan Army and 12 new violations by the military forces of the Frente Polisario. In addition, MINURSO continued to observe long-standing violations by both parties; since the start of the Mission's mandate, both parties had imposed restrictions on the freedom of movement of MINURSO military observers. The Secretary-General reported that the abundant presence of mines and unexploded ordnance throughout Western Sahara, including areas where MINURSO military observers and logistical vehicles operate on a daily basis, was a cause for serious concern. Since the beginning of a major mine clearance operation launched by the Royal Moroccan

Army on 15 January 2007, it had reportedly found and destroyed more than 700 pieces of unexploded ordnance and mines. Through its Mine Action Cell, established in January 2006, MINURSO is engaged in mine action coordination through several complementary avenues of cooperation.

15. With regard to humanitarian activities, the Secretary-General stated that efforts of the international community led by UNHCR and the World Food Programme (WFP) on behalf of Western Saharan refugees continued to be conducted in a challenging environment. The food pipeline remained fragile, delays in shipping had caused disruption to food aid delivery, and the absence of secure food stocks since October 2006 continued to be a major concern. In March 2007, the United Nations presence was strengthened by the establishment of a World Health Organization (WHO) office in Tindouf in order to strengthen the efforts to prevent major diseases in the camps.

16. With regard to confidence-building measures, the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area continued, and UNHCR was assessing with the parties the possibility of organizing visits using land transportation, with the aim of expanding and increasing the number of beneficiaries and the length of the visits, possibly also reducing the transportation costs. The free-of-charge telephone service between the refugee camps in Tindouf and the Territory continued to operate successfully. UNHCR, with support from MINURSO, was completing the installation of a telephone centre in Dakhla camp, overcoming previous budgetary constraints and logistical difficulties attendant on the camp's remote location.

17. In his observations and recommendations, the Secretary-General agreed with his Personal Envoy's assessment that the launch of the process of negotiations was a cause for satisfaction. However, he recommended that the Security Council reiterate its call upon the parties, Morocco and the Frente Polisario, to enter into genuine negotiations, thus ensuring a more substantial implementation of resolution 1754 (2007). He also urged the international community to show its support to the expansion of the confidence-building measures programme.

18. Concluding the report, the Secretary-General thanked the outgoing Force Commander Major General Kurt Mosgaard (Denmark) for his service and welcomed the new Force Commander, Major General Jingmin Zhao (China), who took up his new assignment on 10 September 2007.

19. Pursuant to Security Council resolution 1783 (2007), the Secretary-General submitted to the Council a second report on the status and progress of the negotiations on Western Sahara (S/2008/45), dated 25 January 2008. In letters dated 4 December 2007, he had invited the parties to send delegations to a meeting to be facilitated by his Personal Envoy at the Greentree Estate, from 7 to 9 January 2008. In similar letters, he had invited Algeria and Mauritania to attend the Manhasset meeting as neighbouring countries.

20. At the meeting, which had taken place as planned, the parties held separate meetings with the Personal Envoy, as well as several sessions of face-to-face discussions. Representatives of the neighbouring countries, Algeria and Mauritania, were present at the opening and closing sessions and were consulted separately during the meeting. During the opening session and subsequent discussions, the parties had reiterated their commitment to the process of negotiations and to the

implementation of Security Council resolutions 1754 (2007) and 1783 (2007). Nevertheless, their stated positions remained far apart on ways to achieve a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. As a result, although the parties dynamically interacted with each other, there had hardly been any exchange that could be characterized as negotiations.

21. During the meeting, the parties had engaged in an extensive exchange of views with regard to the implementation of Security Council resolutions 1754 (2007) and 1783 (2007). In addition, the matter of confidence-building measures was included on the agenda in order to obtain greater clarity as to the positions of the parties on existing or additional measures, as well as on the appropriate forum for discussing such measures. The parties also participated in discussions on thematic subjects related to administration, competences and organs, but did not examine specific elements included in each other's proposals.

22. At the end of the meeting, the parties agreed to the communiqué of the Secretary-General's Personal Envoy (ibid., annex), in which it was acknowledged that the parties had continued to express strong differences on the fundamental questions at stake. At the same time, the parties reiterated their commitment to show political will and negotiate in good faith, as called for by the Security Council, and agreed on the need to move the process into a more intensive and substantive phase of negotiations. With regard to the next steps in the process, the parties agreed to convene from 11 to 13 March 2008 at the Greentree Estate for a fourth round of talks. In order to help to prepare the groundwork for those discussions, the parties welcomed my intention to visit the region shortly for in-depth consultations.

23. In February 2008, the Personal Envoy undertook a 10-day visit to the region to continue his in-depth consultations with the parties and neighbouring countries, prior to the next and fourth round of talks rescheduled for 16 to 18 March 2008.

## II. Consideration by the Security Council

24. The Security Council considered the reports of the Secretary-General contained in documents S/2007/202 and S/2007/385, S/2007/619 and S/2008/45.

25. By its resolution 1754 (2007) of 30 April 2007, having considered the report of the Secretary-General of 13 April 2007 (S/2007/202), the Security Council reaffirmed its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations; and, noting the role and responsibilities of the parties in that respect, reiterated its call upon the parties and States of the region to continue to cooperate fully with the United Nations and with each other to end the current impasse and to achieve progress towards a political solution; took note of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and welcomed serious and credible Moroccan efforts to move the process forward towards resolution; and also took note of the Frente Polisario proposal presented on 10 April 2007 to the Secretary-General. The Council also called upon the parties to enter into negotiations without preconditions in good faith, taking into account the developments of the previous months, with a view to achieving a just, lasting and mutually acceptable political

solution, which would provide for the self-determination of the people of Western Sahara; requested the Secretary-General to set up those negotiations under his auspices and invited Member States to lend appropriate assistance to such talks; and requested the Secretary-General to provide a report by 30 June 2007 on the status and progress of those negotiations under his auspices. The Council also decided to extend the mandate of MINURSO until 31 October 2007.

26. In a press statement dated 11 July 2007 (SC/9076), the members of the Security Council welcomed the report of the Secretary-General of 29 June (S/2007/385) on the status and progress of the negotiations on Western Sahara, and expressed satisfaction that the parties and States of the region had agreed to meet on 18 and 19 June in accordance with resolution 1754 (2007). They supported the agreement by the parties that negotiations would continue in the second week of August under United Nations auspices and expressed their hope that the parties would use the next round of negotiations to engage in good faith in substantial negotiations on the way forward in accordance with resolution 1754 (2007). The members of the Council reaffirmed their strong support for the efforts of the Secretary-General and his Personal Envoy to implement resolution 1754 (2007).

27. By its resolution 1783 (2007) of 31 October 2007, having considered the report of the Secretary-General of 19 October 2007 (S/2007/619) on the situation concerning Western Sahara, the Security Council reaffirmed its strong support for the efforts of the Secretary-General and his Personal Envoy, as well as its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council reiterated its call upon the parties and States of the region to continue to cooperate fully with the United Nations and with each other to end the current impasse and to achieve progress towards a political solution. The Council took note of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and welcomed serious and credible Moroccan efforts to move the process forward towards resolution; and also took note of the Frente Polisario proposal presented on 10 April 2007 to the Secretary-General. The Council took note of the two rounds of negotiations held under the auspices of the Secretary-General, and welcomed the progress made by the parties to enter into direct negotiations, and also took note of the parties' agreement to continue the process of negotiations through United Nations-sponsored talks. The Council went on to call upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to engage in substantive negotiations, thus ensuring implementation of resolution 1754 (2007) and the success of negotiations. It also called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and developments of the last months, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council also invited Member States to lend appropriate assistance to those talks. The Council requested the Secretary-General to provide a report by 31 January 2008 on the status and progress of those negotiations under his

auspices. The Council also decided to extend the mandate of MINURSO until 30 April 2008.

## III. Consideration by the General Assembly

28. During the general debate at the sixty-second session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate in the Special Political and Decolonization Committee (Fourth Committee), held from 4 October to 14 November 2007, a number of Member States also made reference to the question of Western Sahara.

29. At its 2nd meeting on 8 October 2007, the Fourth Committee heard the following statements which referred to Western Sahara: Juan Isidro Martínez (Dominican Republic), speaking on behalf of the Rio Group; Federico Perazza (Uruguay), speaking on behalf of the Southern Common Market (MERCOSUR); Liu Zhenmin (China); El Mostafa Sahel (Morocco); Youcef Yousfi (Algeria); Paul Badji (Senegal); Jaime Valente-Chissano (Mozambique); Tete Antonio (Angola); Hossein Maleki (Islamic Republic of Iran); Mason F. Smith (Fiji); and Alfredo Lopes Cabral (Guinea-Bissau).

30. At its 3rd meeting, on 9 October 2007, the Committee heard the following petitioners: Willy Meyer Pleite (European Parliament); Cynthia Basinet; Vanessa Ramos (American Association of Jurists); Senia Bachir-Abderahman (Saharawi Youth Union); Janet Lenz (Christ the Rock Community Church); Ahmed Boukhari (Frente Polisario); Fabio Marcelli; Ramón Rocha Maqueda (Asociación de Amistad del Pueblo Saharaui de Extremadura); Txomin Aurrekoetxea (Instituciones Solidarias con el Pueblo Saharaui a nivel del Estado Español); Alonso Rodríquez (Liga Española Pro-Derechos Humanos); Isidoro Moreno Navarro (University of Seville); Fernando Peraita Lechosa (Seville Association of Friendship with the Saharan People); Nicola Quatrano (Osservatorio Internazionale Onlus), Dan Stanley (Rockfish Church), Hilde Teuwen (Oxfam Solidarity); Suzanne Scholte (Defense Forum Foundation); Pinto Leite (International Platform of Jurists for East Timor); Aymeric Chauprade (Sorbonne University); and Paolo Bartolozzi (Regional councilman of Tuscany).

31. At its 4th meeting on 10 October 2007, the Committee continued to hear petitioners, as follows: Jean-Paul Lecoq (Deputy of Seine-Maritime, France); Lord Newall (International Committee for the Tindouf Prisoners); Carmen Motta (Associazione Jaima Sahrawi); Alain Dauger (Association des amis de la République arabe sahraouie démocratique); Norman Paech (Member of the German Bundestag), Cinzia Terzi (Associazione Jaima Sahrawi); Sydney S. Assor (Surrey Three Faiths Forum); Jacinta de Roeck (Belgian Interparliamentary Group for Peace in the Western Sahara); Mirco Carloni (City Council Member); Latifa Aït-Baala (Action internationale femmes); Tanya Warburg (Freedom for All); Vincent Chapaux; Jane Bahaijoub (Family Protection); Denis Ducarme (Belgian Parliament); Lorenzo Olarte Cullen (Former President, Autonomous Community of the Canary Islands); Khaddad El Moussaoui (Royal Advisory Council for Saharan Affairs, Morocco); Alessandro Fucito (Member, International Relations Commission, Naples City Council); Agaila Abba Hemeida (student); Anna Maria Stame Cervone (Christian Democratic Women International); Begona Errazti (Eusko

Alkartasuna); Gilonne d'Origney; Bernard López García (University of Madrid); and Ana Miranda (Emigration Committee of the Galician Nacionalist a Bloc).

32. At its 5th meeting, on 11 October 2007, the Committee heard statements from additional petitioners as follows: Fabian Martín Martín (Organización del Partido de Independientes de Lanzarote); Jose Manuel Romero González; Miguel Angel Puyol García (Fundación Pilotos 4x4 sin Fronteras); Jan Strömdahl (Swedish Western Sahara Committee); Mostafa Bouh (Ex-Member, Frente Polisario Political Bureau); Gajmoula Ebbi (Deputy, Moroccan Parliament); Kaltoum Khayati (Association de défense de la femme sahraouie); Javier Morilla Gómez (Autonomous Community of Madrid), Lindsay M. Plumley (United States-Western Sahara Foundation). A number of delegations made statements, some of which made reference to Western Sahara, as follows: Rodrigo Malmierca Díaz (Cuba); Asim Iftikhar Ahmad (Pakistan); Lazarous Kapambwe (Zambia), speaking on behalf of the Southern African Development Community; Dumisani Kumalo (South Africa); Marty M. Natalegawa (Indonesia); Frieda Nangula Ithete (Namibia); Boometswe Mokgothu (Botswana); Lipuo Moteetee (Lesotho); Crispin Gregoire (Dominica), speaking on behalf of the Caribbean Community; Denis Dangue Rewaka (Gabon); and Grace Mujuma (United Republic of Tanzania).

33. At its 6th meeting on 15 October 2007, a number of statements also made reference to Western Sahara, as follows: Aura Mahuampi Rodríguez de Ortiz (Bolivarian Republic of Venezuela); Gabriel Juan Ondo Matogo (Equatorial Guinea); Simon Nyowani (Zimbabwe); Alpha Ibrahima Sow (Guinea); and Jaime Hermida Castillo (Nicaragua). The Committee adopted draft resolution A/C.4/62/L.3, as orally amended, without a vote. In explanation after the vote, the representative for Portugal, speaking on behalf of the European Union, as well as related candidate countries and stabilization and association process countries, expressed satisfaction that the resolution on the question of Western Sahara had been presented at the current session as a proposal of the Chairman and adopted by consensus.

34. On 17 December 2007, the General Assembly adopted draft resolution I, entitled "Question of Western Sahara", recommended by the Fourth Committee (A/62/412, para. 24) without a vote, as resolution 62/116. Under the resolution, the Assembly, inter alia, welcomed the adoption of Security Council resolution 1754 (2007) on 30 April 2007, and expressed its satisfaction that the parties had met on 18 and 19 June and on 10 and 11 August 2007 under the auspices of the Personal Envoy of the Secretary-General, in the presence of the neighbouring countries, and that they had agreed to continue the negotiations. The Assembly called upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy and with each other. It reaffirmed the responsibility of the United Nations towards the people of Western Sahara, and in that regard welcomed the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution to the dispute, which would provide for the self-determination of the people of Western Sahara.

35. The General Assembly expressed its strong support for resolution 1754 (2007), and welcomed the ongoing negotiations between the parties. It commended the efforts undertaken by the Secretary-General and his Personal Envoy for the implementation of resolution 1754 (2007), and encouraged the parties to continue to

show political will and a spirit of cooperation in supporting those efforts and to create a propitious atmosphere for dialogue and the success of the negotiations.

36. The Assembly further requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its sixty-third session. The Assembly also invited the Secretary-General to submit a report at its sixty-third session on the implementation of the resolution.